

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CHRISTOPHER JAFFIER

v.

OCWEN LOAN SERVICING, LLC

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Civil No. – JFM-16-1639

**MEMORANDUM**

Plaintiff filed this *pro se* action in the Circuit Court for Charles County, Maryland alleging violations of various consumer protection statutes. Defendant removed the action to this court. Plaintiff has filed an amended complaint. Defendant has filed a motion to dismiss the amended complaint. The motion will be granted.<sup>1</sup>

Count I under the Fair Debt Collection Practices Act is deficient because plaintiff does not provide any facts whatsoever regarding what defendant allegedly did in violation of the statute.

The first claim that plaintiff asserts under the Telephone Consumer Protection Act fails because plaintiff does not allege, except in conclusory terms, that defendant used an automatic telephone dialing system to call plaintiff's phone.

Plaintiff's second claim under the Telephone Consumer Protection Act fails because although plaintiff does allege that defendant called his phone twice in a twelve month span, he

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<sup>1</sup> Plaintiff requests the opportunity to file a second amended complaint. The request will be denied. If he chooses to reassert the claims asserted in this action, he can file a new action. However, there is no reason to permit another amended complaint in light of the fact that the existing amended complaint is wholly conclusory in its terms.

does not allege that the calls were made during the time prohibited by the statute, i.e., before 8:00 am or after 9:00 pm.


Plaintiff's claim under the Maryland Consumer Debt Collections Act fails because the Act "only allows recovery against creditors that attempt to collect debts when they have no right to do so," *Crowley v. JPMorgan Chase Bank Nat'l Assoc.*, RDB-15-00607, 2015 WL 6872896, at \*7 (D. Md. Nov. 9, 2015), and plaintiff admits that he defaulted on his mortgage in August 2007.

Plaintiff's final claims, for violations of the Fair Credit Reporting Act, fails because defendant held permissible statutory purpose to acquire his consumer report.

Plaintiff requests that he be given permission to conduct discovery so that he can "outline exactly how Defendant's actions violated the law." However, while a *pro se* litigant's allegations must be liberally construed, that does not mean that a defendant should be subjected to the cost of discovery because of the making of conclusory allegations. Accordingly, plaintiff's request to conduct discovery will be denied.

A separate order granting defendant's motion to dismiss is being entered herewith.

Date: *November 22, 2016*

  
J. Frederick Motz  
United States District Judge

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